

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

PAULA POGGE,)	
)	
Plaintiff,)	8:08CV191
)	
vs.)	ORDER
)	
SHEET METAL WORKERS')	
INTERNATIONAL ASSOCIATION, et al.,)	
)	
Defendants.)	

This matter is before the court sua sponte.

On April 25, 2008, the plaintiff filed a civil complaint. On that date receipt number 08670000000001182587 was issued to attorney Aaron F. Smeall, on behalf of the plaintiff Paula Pogge, for the filing fee of \$350.00. However, the Clerk's Office was notified April 30, 2008, that Pay.Gov was unable to obtain the funds from the debit card used by Mr. Smeall.

Pursuant to 28 U.S.C. § 1914(a): "The clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing fee of \$350" Furthermore, "[e]ach district court by rule or standing order may require advance payment of fees." § 1914(c). Under the civil rules for the United States District Court for the District of Nebraska: "Any statutory filing fee must be paid before the case may be docketed and process issued. Excepted from the operation of this rule are proceedings in forma pauperis as governed by various statutory provisions or local rules." NECivR 3.2.

Here the plaintiff has not yet sought summonses for the three named defendants. However, under the local rules no summons shall be issued until the plaintiff has paid the filing fee. The plaintiff will be given an opportunity to cure the defect in this matter. Upon consideration.

IT IS ORDERED:

1. The plaintiff shall have **until May 30, 2008**, to pay the filing fee or move to proceed in forma pauperis.

2. No summons shall be issued for any defendant in this matter until either the filing fee is paid or the court grants leave to proceed in forma pauperis.

DATED this 12th day of May, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge